

**UNITED STATES DISTRICT COURT**  
 for the  
 Southern District of New York

ROLANDO RUIZ, individually and on behalf of all  
 others similarly situated, \_\_\_\_\_ )  
 \_\_\_\_\_ )  
*Plaintiff* \_\_\_\_\_ )  
 \_\_\_\_\_ ) Civil Action No.  
 v. \_\_\_\_\_ )  
 PARK CAKE, INC. d/b/a L'EXPRESS RESTAURANT \_\_\_\_\_ )  
 et al. \_\_\_\_\_ )  
 \_\_\_\_\_ )  
*Defendant* \_\_\_\_\_ )

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address) PARK CAKE, INC. d/b/a L'EXPRESS RESTAURANT, 249 Park Avenue South,  
 New York, New York 10003  
 SIMON OREN, 249 Park Avenue South, New York, New York 10003  
 ANDREW SILVERMAN, 249 Park Avenue South, New York, New York 10003  
 ANN BRYNELL, 249 Park Avenue South, New York, New York 10003

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Helen F. Dalton & Associates, P.C.

Roman Avshalumov, Esq.  
 80-02 Kew Gardens Road, Suite 601  
 Kew Gardens, NY 11415

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: 02/26/2019

/S/ P. NEPTUNE

*Signature of Clerk or Deputy Clerk*



A large, circular, black and white seal of the United States District Court for the Southern District of New York. The seal features an eagle with wings spread, perched atop a shield. The words "UNITED STATES DISTRICT COURT" are written in a circular arc at the top, and "FOR THE SOUTHERN DISTRICT OF NEW YORK" are at the bottom. A signature, appearing to be "P. Neptune", is written over the seal.

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc: